

REMARKS

Pending in the application are claims 1-6, of which claim 1 is independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Patentable Subject Matter

Claims 2 and 6 are indicated to recite patentable subject matter and would be allowable if rewritten in independent form.

Claim Rejections under 35 U.S.C. §102

Claims 1, 3-5 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0045086 ("Tsuji"). Applicants respectfully traverse this rejection for the following reasons.

Claim 1 recites a fuel cell stack having a plurality of stacked unit fuel cells. Each of the unit fuel cells includes a membrane electrode assembly which is placed between and supported by a pair of metal separators. The fuel cell includes *one or more correction plates*, made of one of carbon and metal, for correcting deformation of the metal separators. The correction plates are inserted every predetermined number of the unit fuel cells.

Tsuji discloses a separator for a fuel cell.

Applicants submit that the cited prior art reference fails to disclose each and every element of claim 1. Applicants submit that Tsuji fails to disclose *one or more correction plates*, made of one of carbon and metal, for correcting deformation of the metal separators, the correction plates being inserted every predetermined number of the plurality of stacked unit fuel cells, as recited in claim 1.

The claimed invention includes *one or more correction plate* for correcting deformation of metal separators. (See, page 4, lines 17-19 of the Specification). The

correction plates are inserted at specific intervals of the stacked unit cells. (See, page 8, line 22 through page 9, line 5 of the Specification). When the fuel cell stack is fastened by fastening mechanisms, the metal separators at either side of each correction plate follow the shape of the correction plate so that the deformation of the metal separators is corrected. (See, page 9, line 17 through page 10, line 8 of the Specification). In addition, the other metal separators that do not directly contact the correction plates follow the shape of the corrected metal separators so that the flatness of the other metal separators can also be improved.

As a result, in the claimed invention, the pressure imposed on the surface of the anode adjacent to the metal separator and on the surface of the cathode adjacent to the metal separator is uniform, which decreases the contact resistance and the internal resistance of the fuel cell stack. In addition, it is possible in the claimed invention to obtain a sealing between the metal separators, thereby avoiding a decrease in the power generation capability of the fuel cell stack. Furthermore, the claimed invention minimizes the cumulative error in the stacked structure of the fuel cell stack, and therefore enhances the dimensional accuracy of the fuel cell stack.

In contrast, Tsuji does not disclose *one or more correction plates* for correcting deformation of metal separators, as recited in claim 1.

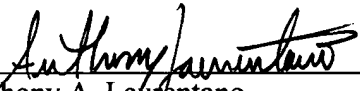
In light of the aforementioned arguments, Applicants submit that Tsuji fails to disclose each and every element of claim 1. Applicants therefore request the Examiner reconsider and withdraw the rejections of claims 1-3 and 5 under 35 U.S.C. §102(e), and pass the claims to allowance.

CONCLUSION

In view of the above arguments, applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SIW-048 from which the undersigned is authorized to draw.

Dated: **August 5, 2004**

Respectfully submitted,

By 

Anthony A. Laurentano
Registration No. 38,220
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney for Applicants